

REMARKS

This is a full and timely response to the Office Action mailed October 23, 2007, submitted concurrently with a one month extension of time to extend the due date for response to February 25, 2008.

Claim 1 has been amended to more particularly define the present invention and to incorporate the limitations of claims 9 and 10. Hence, in view of the amendments to claim 1, claims 9 and 10 have been canceled without prejudice or disclaimer to their underlying subject matter. Support for the claim amendments can be found throughout the specification and the original claims, see, in particular, Examples 1-11, of the specification. Thus, no new matter has been added, and claims 1-8 and 11-21 are currently pending in this application.

In view of this response, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §102 and §103

Claims 1, 2, 4-7 and 17-21 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly being obvious over Vonken et al. (U.S. Patent No. 5,618,853). This rejection has been overcome by the incorporation of the limitations of non-rejected claims 9 and 10 into claim 1. Thus, withdrawal of this rejection is respectfully requested.

Claims 8 and 11-13 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vonken et al. in view of WO 02/22723. This rejection has been overcome by the incorporation of the limitations of non-rejected claims 9 and 10 into claim 1 from which claims 8 and 11-13 directly or indirectly depends. Thus, withdrawal of this rejection is respectfully requested.

Claim 9 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vonken et al. or WO 02/22723. These rejections have been overcome by the incorporation of the limitations of non-rejected claim 10 into claim 1 from which claim 9 depends. Thus, withdrawal of

these rejections is respectfully requested.

Claim 10 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vonken et al. or WO 02/22723, each in combination with Joppen et al. (U.S. Patent No. 6,103,163). These rejections have been overcome by the incorporation of the limitations of non-rejected claim 9 into claim 1 from which claim 10 depends. Thus, withdrawal of these rejections is respectfully requested.

Claims 1, 2, 4-8, 11-13 and 17-21 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly being obvious over WO 02/22723. This rejection has been overcome by the incorporation of the limitations of non-rejected claims 9 and 10 into claim 1. Thus, withdrawal of this rejection is respectfully requested.

Claims 3 and 14-16 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 02/22723 in view of Sugahara et al. (U.S. Patent No. 6,042,765). This rejection has been overcome by the incorporation of the limitations of non-rejected claims 9 and 10 into claim 1 from which claims 3 and 14-16 directly or indirectly depend. Thus, withdrawal of this rejection is respectfully requested.

Applicant also wishes to emphasize that the amended claims are patentable over the combined teachings of Vonken et al., WO 02/22723, Joppen et al. and Sugahara et al.

A review of the Examples of the specification clearly show from the experimental data that when the total open cell content is between 60 to 85%, the claimed foam sheet can achieve its superior sound absorption properties (see Examples 1-11 as compared with Comparative Examples 1 and 2). In addition, as shown in Examples 3 and 4, when the total open cell content and pore area are the same, the sound absorbency decreases with less open area (6.3% vs 3.6%), which indicates the importance of total open pore area for sound induction. Such superior effects of the present invention is not at all taught or suggested in the cited references of Vonken et al., WO 02/22723, Joppen et al. and Sugahara et al. Thus, Applicant believes that the experimental data in the

specification establishes the criticality of the claimed total opening area and claimed opening end area of the pore portions in allowing the claimed foam sheet to achieve its superior sound absorption properties as compared with the closest related foam sheets of Vonken et al. and WO 02/22723. As the Examiner already knows, a showing of superior and unexpected properties can rebut a *prima facie* case of obviousness. *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963).

Thus, in view of the experimental data in the specification, Applicant believes that the amended claims are patentable over the teaching and suggestions of the cited references.


CONCLUSION

For the foregoing reasons, all of the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. YCO-0001 from which the undersigned is authorized to draw.

Dated: February 25, 2008

Respectfully submitted,

By: 

Lee Cheng
Registration No.: 40,949
CHENG LAW GROUP PLLC
1100 17th Street, N.W.
Suite 503
Washington, DC 20036
(202) 530-1280
Attorneys for Applicant

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 50-4422 for any such fees; and applicant(s) hereby petition for any needed extension of time.